

**Application No. 10/666,165**  
**Amendment dated 22 December 2005**  
**Reply to Office Action dated 24 August 2005**

**Attorney Docket No. 5701-00297**

**Remarks**

Applicant respectfully requests consideration of the instant application in view of the above amendments and the following remarks.

***Claim Status***

Claims 1-31 are pending in the application.

Claims 1-5, 20 and 28 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 5,587,048.

Claims 1, 3-7, 14, 15 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,439 to Tyren et al. in view of U.S. Patent No. 5,428,534 to Wetzel et al.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 3,835,371 to Mirdadian et al.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,276,398 to Withers et al.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,760,577 to Shizuya.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,707,076 to Takahashi.

Claim 2 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, and if a timely filed terminal disclaimer were filed to overcome the double patenting rejection.

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Claims 11, 13 and 17-19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-29 and 31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, or if a timely filed terminal disclaimer were filed to overcome the double patenting rejection of claim 20.

### ***Claim Amendments***

The claims have been amended, as follows:

Claim 1 has been amended at line 2 to insert --or structure-- after "body"; and at line 3 to insert --said magnetic circuit comprises at least a portion of said vehicle body or structure,-- after "wherein". Support for this amendment is provided, *inter alia*, on page 2 at line 16; page 3 at line 10; page 9 at lines 22-24; page 11, lines 14-17; page 19 at line 10; and page 23 at line 24.

Claims 2, 10, 11, 13, 14, 17, 19 and 30 have been rewritten in independent form, including all of the limitations of the associated base claims and any intervening claims, wherein --or structure-- has been added after "body" on line 2 of the matter from claim 1 in the rewritten claims.

Claims 1, 3-6, 17, 19, 28 and 29 have each been amended so that every reference therein to "vehicle body" now refers to "vehicle body or structure"; and these amendments to claims 1 and 6 have been carried forward to claims 2, 10, 11, 13, 14, 16, 17, 19 and 30 now rewritten in independent form, so as to provide for consistence amongst the claims.

Claim 16 has been rewritten in independent form, including all of the limitations of the associated base claim and any intervening claims. Claim 16 has also been amended at line 3 of clause ii) to insert --, and said first and second capacitors and said at least one first coil are in series with one another-- after "first and second capacitors"; and at line 2 of clause iii) to insert --, said oscillator is in series with said first and second capacitors said at least one first coil

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therebetween-- after "at least one first coil", as supported by FIG. 11 of the drawings and by page 40, line 24 through page 41, line 10 of the specification.

Claim 20 has been amended at line 5 to replace "frame" with --structure--, so as to be consistent with the specification.

***Double Patenting***

Claims 1-5, 20 and 28 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 5,587,048. Applicant respectfully submits that U.S. Patent No. 5,587,048 is not assigned to the Assignee of the instant application. Applicant respectfully suggests that perhaps that the Examiner had intended to refer to U.S. Patent No. 6,587,048. Applicant intends to submit a Terminal Disclaimer after the identification of the associated patent is clarified.

***Claim Rejections Under 35 U.S.C. § 103(a)***

Claims 1, 3-7, 14, 15 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,439 to Tyren et al. in view of U.S. Patent No. 5,428,534 to Wetzel et al.

Regarding claim 1, claim 1 has been amended to add the limitation that "said magnetic circuit comprises at least a portion of said vehicle body or structure", which the Examiner had indicated was the basis for the allowability of claim 20. Accordingly, Applicant respectfully submits that claim 1 is now in allowable form based upon the Examiner's stated reason for allowing claim 20. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 3/1, 4/1, 5/1, 6/1, 7/6/1 and 15/6/1 each depend upon claim 1. Accordingly, Applicant respectfully submits that if the above argument regarding the non-obviousness of claim 1 in view of Tyren et al. is accepted, then claims 3-7 and 15 are also distinguished from both Tyren et al. and Wetzel et al., alone or in combination, because the addition of further limitations to an already novel and non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claims 3-7 and 15 in view of the above argument.

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Regarding claims 14 and 30, Applicant respectfully submits that Tyren et al. in view of Wetzel et al. do not disclose or suggest all of the elements and limitations of claims 14 and 30, and therefore are not a proper reference under 35 U.S.C. § 103(a), for the following reasons: Applicant respectfully submits that col. 5, lines 41-62 of Tyren et al. -- cited by the Examiner -- does not disclose the sensing of either a voltage across the at least one first coil, a current through the at least one first coil, a voltage across a resistor in series with the at least one first coil, or a voltage across the at least one first capacitor (claim 14); or a measure responsive to or related to a resistance of the at least one first coil, a measure responsive to a phase angle between a voltage across the at least one first coil and a current through the at least one first coil, a measure of reactive power applied to the at least one first coil, or a measure of real power absorbed by the at least one first coil (claim 30). In Tyren et al., a receiver of the electronic unit (6) senses a radiated response received by an aerial (5) to a signal transmitted via an aerial by a transmitter of the electronic unit (6), which provides for determining the resonant frequency of the resonance circuit (10). Accordingly, the electronic unit (6), being separated from the resonance circuit (6), does not disclose or suggest sensing any of the measures enumerated in claims 14 or 30. In responding to Applicant's remarks, the Examiner stated that the voltage and/or current through the coil affect the frequency of the sensor assembly. Applicant respectfully submits that neither Tyren et al. nor Wetzel et al. disclose or suggest any such relationship or behavior, and that the resonant frequency of the sensor assembly of Tyren et al. would be independent of the associated voltage or current. The resonant frequency of the resonant circuit of Tyren et al. is dependent upon the associated inductance and capacitance of the resonant circuit, not upon the voltage across or current through those elements. Accordingly, there would be no way to determine those measures, or related measures, from the resonant frequency that is sensed wirelessly. Because neither Tyren et al. nor Wetzel et al. disclose or suggest all of the elements and limitations of claims 14 and 30, Applicant respectfully submits that the rejection of claims 14 and 30 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 14 and 30 in view of the above argument.

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Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 3,835,371 to Mirdadian et al.

Claims 8/6/1 and 9/6/1 each depend upon claim 1. Accordingly, Applicant respectfully submits that with claim 1 now in allowable form, then claims 8 and 9 are also now in allowable form, because the addition of further limitations to an already novel and non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claims 8 and 9 in view of the above argument.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,276,398 to Withers et al.

Claim 10 has been rewritten in independent form, including all of the limitations of original claims 6 and 1 upon which claim 10 had originally depended. Applicant respectfully submits that Tyren et al. in view of Wetzel et al. and Withers et al. do not disclose or suggest all of the elements and limitations of claim 10, and therefore are not a proper reference under 35 U.S.C. § 103(a). More particularly, Withers et al. at col. 1, lines 20-26 – cited by the Examiner – is silent as to the filtering of harmonic components in the first signal, and is also silent as to the use of the inherent capacitance of the at least one coil for purposes of filtering a harmonic component of the first signal, wherein harmonic components are by definition at integral multiples of the fundamental frequency. Applicant respectfully submits that the Examiner has used improper hindsight reasoning in rejecting claim 10. In responding to Applicant's remarks, the Examiner stated that "as is well know in the art, harmonic components of signals are part of the group of unwanted signal components", and that "as taught by Withers et al. in the cited portion, altering the capacitance of the coil will remove any unwanted signal components." Applicant respectfully submits that, as best understood, Withers et al. does not disclose or suggest the removal of unwanted signal components, let alone harmonic components. Furthermore, Applicant respectfully submits that harmonic components are not universally considered to be unwanted signal components, and that there is no disclosure or suggestion by

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Withers et al. that harmonic components are necessarily unwanted signal components. Because neither Tyren et al., Wetzel et al. nor Withers et al. disclose or suggest all of the elements and limitations of claim 10, Applicant respectfully submits that the rejection of claim 10 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 10 in view of the above argument.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,760,577 to Shizuya.

Claim 12/6/1 depends upon claim 1. Accordingly, accordingly, Applicant respectfully submits that with claim 1 now in allowable form, then claim 12 is also now in allowable form, because the addition of further limitations to an already novel and non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claim 12 in view of the above argument.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyren et al. in view of Wetzel et al. as applied to claims 1 and 6, and further in view of U.S. Patent No. 5,707,076 to Takahashi.

Claim 16 has been rewritten in independent form, including all of the limitations of original claims 6 and 1 upon which claim 16 had originally depended. Claim 16 has also been amended to state that the first and second capacitors and the at least one first coil are in series with one another, and that the oscillator is in series with the first and second capacitors the at least one first coil therebetween, so as to clearly distinguish over Takahashi. Applicant respectfully requests reconsideration and allowance of claim 16 in view of this amendment.

***Allowable Subject Matter***

Claim 2 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, and if a timely filed terminal disclaimer were filed to overcome the double patenting rejection.

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Claims 21-29 and 31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, or if a timely filed terminal disclaimer were filed to overcome the double patenting rejection of claim 20.

Claims 2, 11, 13, 17 and 19 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that claims 11, 13, 17 and 19 are now in allowable form, as is claim 18/17 which depends upon a now-allowable claim 17. Applicant intends to file a Terminal Disclaimer after the identification of the associated patent is clarified, which will then place claims 1-5, 20-29 and 31 in allowable form.

**Extension of Time and Payment of Fees Under 37 CFR §§ 1.17(a)(3)**

**Authorization to Charge Fee Deficiencies**

Applicant hereby petitions for a One-Month Extension of Time, pursuant to 37 C.F.R. §1.136, extending the deadline for response up to and including 24 December 2005, resulting in an associated fee of \$120 under 37 C.F.R. § 1.17(a)(1).

This amendment rewrites nine dependent claims (2, 10, 11, 13, 14, 16, 17, 19 and 30) in independent form resulting in a total of eleven (11) independent claims and eight (8) independent claims in excess of three (3), which at a cost of \$200 per excess claim under 37 C.F.R. § 1.16(h) results in a total excess claims fee of \$1,600.

A Credit Card Payment Form in the amount of \$1,720 is enclosed herewith for payment of the fees under 37 C.F.R. §§ 1.16(h) and 1.17(a)(1). The Commissioner is authorized to charge any deficiencies or credit any overpayments -- that cannot otherwise be made to the credit card -- to Deposit Account 04-1131.

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**Summary and Conclusions**

Claim 1 has been amended to incorporate a limitation that the Examiner had stated was a basis for the allowability of claim 20. Claim 16 has been amended to further distinguish over the prior art. Claim 20 has been amended to utilize terminology consistent with the specification. Claims 2, 10, 11, 13, 14, 16, 17, 19 and 30 have been rewritten in independent form. Claims 1-6, 10, 11, 13, 14, 16, 17, 19 and 28-30 have been amended to consistently refer to "vehicle body or structure" rather than to just "vehicle body". The rejections of claims 10, 14, and 30 have been traversed. Applicant respectfully submits that no new matter has been added by this amendment. Applicant respectfully request clarification of the nonstatutory double patenting rejection, so that a Terminal Disclaimer can be filed so as to put the instant application in the proper form for Notice of Allowance.

Respectfully Submitted,



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